

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Michael King	Team: Team # 4	CCRB Case #: 200301256	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Saturday, 02/15/2003 2:45 PM	Location of Incident: 53rd Street and 3rd Avenue in Manhattan	Precinct: 17	18 Mo. SOL 8/15/2004	EO SOL 8/15/2004	
Date/Time CV Reported Tue, 02/18/2003 10:08 AM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Tue, 02/18/2003 10:08 AM		
Complainant/Victim	Type	Home Address			
Subject Officer(s)	Shield	TaxID	Command		
1. LT Walter Aanonsen	00000	874905	MOUNTED		
Officer(s)	Allegation			Investigator Recommendation	
A.LT Walter Aanonsen	Force: Lt. Walter Aanonsen backed his horse into a crowd of unidentified victims.				

Synopsis

This complaint stems from the anti-war rally that took place on February 15th, 2003 at the United Nations headquarters, which received extensive press coverage. As such, the case was determined to be sensitive and placed on the sensitive case list. § 87(2)(b) attempted to attend the anti-war demonstration with a group of his friends when their movement towards 1st Avenue came to a halt at the intersection of 53rd Street and 3rd Avenue in Manhattan. The group remained at the intersection, which soon amassed a large amount of protesters in the middle of the street. A group of Mounted Unit officers arrived on the scene and proceeded to disperse the crowd. § 87(2)(b) observed a White male officer back his horse into a group of protesters, forcing them onto the sidewalk. § 87(2)(b) identified Lt. Walter Aanonsen of the Mounted Unit in a photographic array, though the lieutenant denied backing his horse into a crowd of protesters or observing other Mounted Unit officers commit such action. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

Summary of Complaint

Initial email complaint

On February 18th, 2003, § 87(2)(b) filed his complaint by emailing the *nyc.gov* website (Enclosure 3-3a). He stated that on February 15th, 2003 in the vicinity of 53rd Street and 3rd Avenue, “without any warning or announcement, a row of police officers on horses charged straight into the crowd.” § 87(2)(b) also claimed that some of the protesters “fell under the horses” and that the police action caused both “trampling and panic.” § 87(2)(b) also claimed that unidentified officers shoved the protesters against a storefront.

Formal Statement

§ 87(2)(b) was formally interviewed at the CCRB on February 26th, 2003 (Enclosure 6-6c). On February 15th, 2003, § 87(2)(b) attempted to attend the anti-war rally with a group of his friends: § 87(2)(b), his wife, § 87(2)(b), § 87(2)(b), and § 87(2)(b). At approximately 2:45 PM, the group was walking towards the anti-war rally via 3rd Avenue. At the corner of 52nd Street and 3rd Avenue, the group walked through a “bottleneck” of civilians onto the middle of the street between 52nd Street and 53rd Street, where approximately 60-70 people had gathered. § 87(2)(b) observed that a police barricade had been established across 3rd Avenue as well as across 53rd Street on the eastern side, thereby preventing people from walking over to 1st Avenue.

They then waited in the middle of the street while more protesters entered the area, thereby creating a larger crowd. A column of Mounted Unit officers arrived on the scene and stretched across 3rd Avenue. § 87(2)(b) became uncomfortable and believed that the situation was going to get worse. His group was carrying a banner that was about 8-10 feet long, which was stapled to two separate poles. The group was approximately 10 feet from the curb on the western side of the street and approximately 20-25 feet from the front or edge of 53rd Street. § 87(2)(b) and § 87(2)(b) bent down to remove the banner so that it would not cause anyone to trip in case people started running. When § 87(2)(b) and § 87(2)(b) rose up, the mounted officers started “cantering” their horses into the crowd, moving south on the avenue. This action caused many people to panic and run in different directions. As a result, § 87(2)(b) was separated from his wife and friends. § 87(2)(b) saw people falling over and stated that other people bumped into him, though he did not see any civilians stepped on by horses.

After the horses walked through, police officers on foot walked through to force people onto the sidewalks. At one point, a Mounted officer backed his horse into a group of people directly in front of § 87(2)(b) though no injuries resulted. § 87(2)(b) described this officer as a *White male with a gray bushy mustache and approximately in his 40s*. § 87(2)(b) did not observe any civilians knocked over by this action and § 87(2)(b) did not sustain any injuries nor did any of his friends. § 87(2)(b) was never touched by an officer. § 87(2)(b) also did not know any of the civilians with which the horse made contact. After this, § 87(2)(b) remained on the scene for about 25 minutes, looking around for his wife and friends. He did not find them and then left the scene without attending the rally on 1st Avenue.

Results of Investigation

CCRB complaints concerning the same time, date, and location of occurrence

A CCRB Complaint Tracking System (CTS) search revealed that a total of ten complaints (not including this one) concerning incidents that occurred in the vicinity of the intersection of East 53rd Street and 3rd Avenue at approximately 3:00 PM on February 15, 2003, were filed with the agency. Five of these complaints (200301248, 200301253, 200301268, 200301273, and 200301311) allege a similar type of misconduct, as alleged by § 87(2)(b). Since § 87(2)(b)'s complaint is largely based on the tactics used by the police officers, and has no named victims, it is difficult to use these cases to assist in identifying the officers and victims involved. However, the complainant in 200301248 identified Lt. Walter Aanonsen as being present at the scene. This case, though, was closed OFFICERS UNIDENTIFIED. None of the other complaints have officers positively identified as having ridden their horses into the crowd, or have victims who claimed to have been struck by a horse. Case numbers 200301235 and 200302034 have been closed as COMPLAINT WITHDRAWN and case number 200301273 has been closed, OFFICERS UNIDENTIFIED. Case number 200301308 (pending) involves a specific allegation against a specific mounted police officer.

Photographic Array

Based on § 87(2)(b)'s initial statement, the undersigned reviewed all of the photographs of the Mounted Unit, paring the list down to match § 87(2)(b)'s initial description: that the subject officer was a White male with a gray mustache. All White male officers with mustaches were collected and then shown to § 87(2)(b) on September 8th, 2003 (Enclosure 7-7x). Initially, § 87(2)(b) noted that all of the officers in the photographic array had mustaches and that he did not recall the subject officer having a mustache. § 87(2)(b) was informed that the photographic array was based on his initial statement, which described the officer as having a mustache. Of the photographs shown to him, § 87(2)(b) stated that the officer depicted in photograph five was the officer who "most closely resembles" the subject officer, though he offered, unprompted, that he was only 50% certain. Lt. Walter Aanonsen was the officer depicted in photograph five.

Officer Interview – Lt. Walter Aanonsen

Lt. Walter Aanonsen was interviewed at the CCRB on June 20th, 2003 (Enclosure 8-8d) regarding CCRB case number 200301248 after being identified in a photographic array. He was also interviewed on October 3rd, 2003, after being identified in a photographic array for this case (Enclosure 8-8d). The two statements are summarized as follows.

On February 15, 2003, Lt. Aanonsen was assigned to the Mounted Unit, specifically as the supervisor of two sergeants and ten officers, though he did not recall who the sergeants were. His memo book indicated that at 3:30 PM, he directed the arrest of a white male who was identified as throwing firecrackers, causing Sgt. John Driscoll to fall off of his horse. This occurred at the intersection of 52nd Street and 3rd Avenue.

Lt. Aanonsen could not recall any specific things that occurred at 53rd and 3rd at approximately 3:00 PM. He explained that Mounted Unit Captain Christopher Acerbo ordered him to disperse crowds at this location, and that he ordered other mounted police officers to do so. He did not observe any horse make contact with civilians and denied making contact with his horse. The lieutenant also denied backing his horse into the crowd and did not observe any civilians get injured.

Mounted Unit Training Manual

A copy of the Mounted Unit Training Manual was obtained (Enclosure 10a-10h) and reviewed. According to the Mounted Unit's training manual, the pushing of the civilians with the horses would be incident to the tactic of dispersing the crowd by walking the horses into the crowd in one of three formations: "Wedge," in which the Mounted officers form a chevron pattern; "Extended Line," whereby a single row is formed, simulating a wall; and "Box," in which the Mounted officers form a box. The training manual also recommends that Mounted officers "avoid physical contact if possible" and that they use the "minimum force necessary to control a situation."

Conclusions and Recommendations

§ 87(2)(b) was not arrested or issued a summons on February 15, 2003, nor did he have individual contact with any of the officers assigned to the anti-war demonstration. Instead, he filed this civilian complaint based on what he alleged were inappropriate tactics used by mounted and foot officers. § 87(2)(b)'s complaint concerned the use of Mounted Unit officers entering the crowd without giving notice or warning to the crowd gathered. § 87(2)(b)'s initial email complaint alleged that he observed civilians being "trampled" by the Mounted Unit, though his formal statement indicated to the contrary, denying that any civilians were trampled by the Mounted Unit or even knocked to the ground. With regard to FADO allegations, § 87(2)(b)'s formal statement focused primarily on a White male officer with a "bushy" gray mustache backing his horse into the crowd, causing the civilians to move onto the sidewalk. It should also be noted that even though he expressed a desire to complain about the actions of the NYPD, § 87(2)(b) did not make any attempts to identify the officers involved in the incident. He also did not attempt to identify any other civilians who were allegedly backed into by the horse in question. In his photographic array session, § 87(2)(b) found it odd that the officers depicted all had mustaches and even stated that he did not remember the subject officer as having a mustache.

As previously stated, the force that § 87(2)(b) alleged in his complaint regarding the horses was not necessarily specific to any particular incident, but more a general tactic that he felt endangered him and numerous others. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(b) in responding to § 87(2)(b)'s allegation of backing a horse into a crowd of protesters, Lt. Aanonsen denied doing so himself or observing other officers commit such an action, though he admitted that such an incident "probably happened at some point over the course of the day," given the conditions and crowds of the day. Regarding § 87(2)(b)'s allegation, no injuries appear to have resulted from the action. § 87(2)(g)

Investigator:

Date:

Supervisor:

Date:

Reviewed by:

Date:

Reviewed by:

Date: